

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT TACOMA

THOMAS C. FURLONG,

Plaintiff,

v.

MARC H. COCHRAN,

Defendant.

Case No. C06-5443 FDB

ORDER DISMISSING ACTION

This matter comes before the Court on Defendant's Motion to Dismiss for failure to state a claim, lack of jurisdiction and as barred by the statute of limitations. After reviewing all materials submitted by the parties and relied upon for authority, the Court is fully informed and hereby grants the motion.

**INTRODUCTION AND BACKGROUND**

Plaintiff Thomas Furlong has filed a complaint in this Court requesting records and information from the Defendant that were allegedly generated in providing estate planning services to Plaintiff's father. Plaintiff has designated this an original action pursuant to the Freedom of Information Act. Defendant moves for dismissal on the basis of lack of jurisdiction as the Freedom of Information Act is inapplicable.

**FREEDOM OF INFORMATION ACT**

The Freedom of Information Act (FOIA), 5 U.S.C. § 552, applies only to federal agencies and not private corporations or individuals. See, Armstrong v. Executive Office of the President, 90 F.3d 553 (DC Cir. 1996). It is undisputed that Defendant Cochran and his law firm are not federal government agencies. Given the FOIA is not applicable, there is no federal question for purposes of jurisdiction. Plaintiff has alleged no other facts sufficient to give this Court jurisdiction under any provisions of 28 U.S.C. §1331. Accordingly, this action is subject to dismissal.

**CONCLUSION**


This Court lacks subject matter jurisdiction and the action is subject to dismissal.

ACCORDINGLY,

IT IS ORDERED:

Defendant's Motion to Dismiss [Dkt. #8] is GRANTED

DATED this 9<sup>th</sup> day of November, 2006.

  
FRANKLIN D. BURGESS  
UNITED STATES DISTRICT JUDGE